

AMENDMENT AND RESPONSE

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Serial No.: 09/995,262

Filing Date: November 26, 2001

Attorney Docket No. 650.362US01

Title: ADAPTIVE MODULE FOR HOUSINGS

REMARKS

Applicant has reviewed the Office Action mailed on August 2, 2004, as well as the art cited. Claims 1-38 are pending in this application.

Rejections Under 35 U.S.C. § 102

Claims 29-36 and 38 were rejected under 35 USC § 102(e) as being anticipated by Cloonan et al., (U.S. Patent No. 6,449,249).

Independent claims 29, 33, 36 and 38 are as follows:

29. (Previously presented) A telecommunications system, comprising:
a housing;
a backplane, disposed within the housing, and adapted to receive a plurality of cards for providing services to a plurality of subscribers; and
wherein the housing is adapted to receive an adaptive module to communicatively couple to one or more of the plurality of cards in the housing to add redundancy to the telecommunications system.
33. (Previously presented) A telecommunications system, comprising:
a housing;
a backplane, disposed within the housing, and adapted to receive a plurality of electronic modules, each electronic module associated with inputs and outputs for providing services to a plurality of subscribers;
wherein the housing is adapted to receive an adaptive module to selectively, communicatively couple to the plurality of electronic modules in the housing; and
wherein when the adaptation module is received on the housing, one of the electronic modules is designated as a back-up electronic module, and wherein the adaptive module selectively routes signals between the back-up electronic module and the inputs and outputs associated with a primary electronic module upon failure of the primary electronic module,

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wherein the primary electronic module is one of the plurality of electronic modules.

36. (Previously presented) A method for providing redundancy in a telecommunication system, the method comprising:

providing a housing having a plurality of electronic modules designed to operate in a non-redundant configuration;

attaching an adaptive module to the housing to selectively communicate with the plurality of electronic modules; and

designating one of the electronic modules as a redundant electronic module to back-up the remaining electronic modules in a redundant configuration.

38. (Previously presented) A telecommunications system, comprising:

a housing;

a backplane, disposed within the housing, and adapted to receive a plurality of cards for providing services to a plurality of subscribers; and

a self-contained adaptive module adapted to plug into the housing to add redundancy to the telecommunications system.

Regarding independent Claims 29, 33, 36 and 38, each of these claims include the element an "adaptive module". The Cloonan et al. reference does not include this element. Since a 102 rejection requires that each element be taught by a prior art reference and this is not the case in regard to Claims 29, 33, 36 and 38, the Applicant respectfully requests the withdrawal of the rejection of these independent claims as well as their respective dependant claims.

The Examiner cites to 430, 435, 440 and 450 as "adaptive modules" in the Cloonan et al. reference. However, 430, 435, 440 and 450 are described in Cloonan et al. as RF switching cards. *Cloonan et al. column 6, lines 36-41*. These switching cards are not "adaptive modules" as is described in the present application and claimed in Claims 29, 33, 36 and 38. The present application relates to and claims "adaptive module" that can be coupled to a non-redundant telecommunication housing to provide redundancy even when the communication system was not originally designed for a redundant system. The term "adaptive" in "adaptive module" is

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used as a description of the element which is defined in the present application and the claims. The Cloonan et al. reference relates to spare circuit switching in a daisy chain configured system. *Cloonan et al., abstract.*

Accordingly, the Applicant respectfully requests the withdrawal of the rejection of claims 29, 33, 36 and 38 and there respective dependant claims under section 102. Moreover, since the Applicant believes the above independent and dependant claims are allowable for the above reason, further arguments to all rejections may not have been put forth in this response. The Applicant, however, retains the right to address any said rejections if a further response is required.

Claims 29, 30, 33, 36 and 38 were rejected under 35 USC § 102(e) as being anticipated by Czerwec et al., (U.S. Patent No. 6,314,102).

Independent claims 29, 33 and 36 are as follows.

29. (Previously presented) A telecommunications system, comprising:
- a housing;
 - a backplane, disposed within the housing, and adapted to receive a plurality of cards for providing services to a plurality of subscribers; and
 - wherein the housing is adapted to receive a an adaptive module to communicatively couple to one or more of the plurality of cards in the housing to add redundancy to the telecommunications system.
33. (Previously presented) A telecommunications system, comprising:
- a housing;
 - a backplane, disposed within the housing, and adapted to receive a plurality of electronic modules, each electronic module associated with inputs and outputs for providing services to a plurality of subscribers;
 - wherein the housing is adapted to receive an adaptive module to selectively, communicatively couple to the plurality of electronic modules in the housing; and

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wherein when the adaptation module is received on the housing, one of the electronic modules is designated as a back-up electronic module, and wherein the adaptive module selectively routes signals between the back-up electronic module and the inputs and outputs associated with a primary electronic module upon failure of the primary electronic module, wherein the primary electronic module is one of the plurality of electronic modules.

36. (Previously presented) A method for providing redundancy in a telecommunication system, the method comprising:

providing a housing having a plurality of electronic modules designed to operate in a non-redundant configuration;

attaching an adaptive module to the housing to selectively communicate with the plurality of electronic modules; and

designating one of the electronic modules as a redundant electronic module to back-up the remaining electronic modules in a redundant configuration.

Regarding independent Claims 29, 33 and 36, each of these claims include the element an "adaptive module". The Czerwicz et al. reference does not include this element. Since a 102 rejection requires that each element be taught by a prior art reference and this is not the case in regard to Claims 29, 33 and 36, the Applicant respectfully requests the withdrawal of the rejection of these independent claims as well as their respective dependant claims.

The Examiner cites to "NT-2 of 2" as "adaptive modules" in the Czerwicz et al. reference. However, "NT" are described in Czerwicz et al. as network termination cards. *Czerwicz et al. column 9, lines 14-15*. These network termination cards are not "adaptive modules" as is described in the present application and claimed in Claims 29, 33 and 36. The present application relates to and claims "adaptive module" that can be coupled to a non-redundant telecommunication housing to provide redundancy even when the communication system was not originally designed for a redundant system.

Accordingly, the Applicant respectfully requests the withdrawal of the rejection of claims 29, 33, and 36 and there respective dependant claims under section 102. Moreover, since the

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Applicant believes the above independent and dependant claims are allowable for the above reason; further arguments to all rejections may not have been put forth in this response. The Applicant, however, retains the right to address any said rejections if a further response is required.

Rejections Under 35 U.S.C. § 103

Claims 1-5 were rejected under 35 USC § 103(a) as being unpatentable over Cloonan et al., (U.S. Patent No. 6,449,249) in view of Cassanova et al. (U.S. Patent No. 5,031,075).

Claim 1 is as follows:

1. (Previously presented) An adaptive module for a housing for a cable modem termination system, the module comprising:

a backplane;

a card cage attachable to the housing, the housing being a non-redundant cable modem termination system housing;

an active first electronic module disposed within the card cage and electrically connected to the backplane, the active first electronic module electrically connectable to an active second electronic module disposed within the housing for communicating with the active second electronic module;

a backup first electronic module disposed within the card cage and electrically connected to the backplane, the backup first electronic module electrically connectable to a backup second electronic module disposed within the housing for communicating with the backup second electronic module when there is a failure within the active second electronic module; and

a switch/relay disposed within the card cage and electrically connected to the backplane, the switch/relay adapted to enable communication between the active first electronic module and the backup second electronic module when there is a failure within the active second electronic module.

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Applicant respectfully traverses the Examiner's rejection of Claim 1, under section 103. Claim 1 claims an "adaptive module" for a housing. The housing being a non-redundant cable modem termination system housing. The "adaptive module" includes a backplane, a card cage, active first electronic module, a backup first electronic module and a card cage. Neither the Cloonan et al. nor the Cassanova et al. references teach or suggest alone or in combination an "adaptive module" as claimed in Claim 1 of the present application. Cloonan et al. relates to spare circuit switching and the Caasanova relates to a double sided logic circuit. Neither of these references suggest or provide motivation to come up with an "adaptive module" as is claimed in Claim 1 of the present application.

Accordingly, the Applicant respectfully requests the withdrawal of the rejection of Claim 1 and its respective dependant claims under section 103. Moreover, since the Applicant believe the above independent and dependant claims are allowable for the above reason further arguments to all rejections may not have been put forth in this response. The Applicant, however, retains the right to address any said rejections if a further response is required.

Examiner's Response

In response to the Examiner's Response to Applicants previous arguments, the Applicant respectfully directs the Examiner to paragraph 10 of the application which clearly defines an "adaptive module" as claimed in the present application. This explanation along with Figures 1 and 2 provide one of skill in the art an understanding of the matter claimed in this application.

Allowable Subject Matter

Claims 6-28 were allowed.

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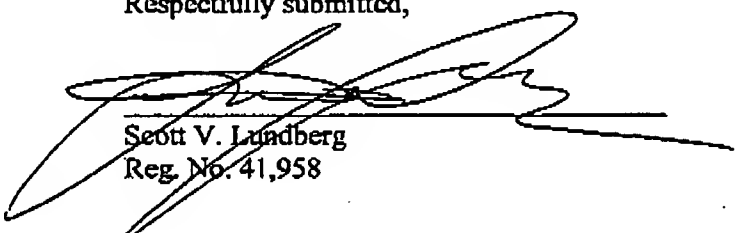
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CONCLUSION

Applicant respectfully submits that claims 1-38 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 332-4720.

Respectfully submitted,

Date: 1-3-5

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